REMARKS

Claims 1-9 are pending in the application.

Although the Office Action states that Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massarsky (US 5,500,700) over Chu et al. (US 6,086,380), Par. 1 addresses Claims 1-5 only. Therefore, Applicant bases his analysis on Massarsky and Chu for Claims 1-5.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massarsky, Chu and further in view of Parulski (US 6,600,510).

Massarsky discloses a system and method for creating a composite *print* with a selectable background. A user takes a self-portrait in a photography booth and selects a background to superimpose the portrait onto. A print is then produced with the portrait on the selected background.

Chu teaches a karaoke recording studio for making music videos with the user of the studio. A user selects a song and a background to be used in making a music video.

The present invention provides a system and method of synthesizing a pre-selected background with a user's image in video communication to a conversation counterpart, a completely different field and function than the cited references.

Amended Claims 1 and 2 recite "an image processing unit ... for extracting a portion of a user's image from the image."

Massarsky merely discloses taking a live image of a user with a background, which is vastly different than extracting a user from an image, as recited in the Claims. Chu also does not teach or suggest extracting a user's image from the image.

Claims 3-5 are also believed to be allowable based on their dependency on an allowable base claim. Therefore, Applicant respectfully submits that Claims 1-5 are allowable and further, respectfully requests that their rejection be withdrawn.

Both Claims 6 and 8 also recite, "extracting a user's image from the captured image," which is not taught or suggested by Massarsky or Chu, alone or in combination. Parulski does not cure this deficiency as it, too, fails to teach or suggest extracting a user's image from the captured image. Claims 6 and 8, therefore, are believed to be allowable over this combination of references. It follows that Claims 7 and 9 would be allowable based on their dependency from Claims 6 and 8, respectively.

Claim 8 is analyzed in a manner similar to Claim 1 except that the "synthesized image ... in a panoramic manner" was not disclosed in Massarsky. The Examiner maintains that it would have been obvious to display the image in a panoramic manner and that this limitation is not enough to distinguish the claim from the prior art. Again, the Examiner has not cured the deficiencies in his original analysis of Claim 1 with Parulski, and therefore, the rejection of Claim 8 suffers from the same defects. Accordingly, Claim 8 is believed to be allowable on the same basis as Claim 1.

Therefore, Applicant respectfully submits that Claims 6-9 are allowable as well, and further, respectfully requests that their rejection be withdrawn.

Should the Examiner feel that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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